

## ARCHITECTS SECTION MEETING

### MINUTES

The Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on October 28, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

James R. Boyd  
J. Everette Fauber, III  
Michael F. LeMay

Staff present for all or part of the meeting were:

Mark N. Courtney, Deputy Director of Licensing and Regulation Division  
Kathleen Nosbisch, Executive Director  
Marian H. Brooks, Program Administrator  
Amy Goobic, Administrative Assistant  
Earlyne Perkins, Legal Analyst

No representative was present from the Office of the Attorney General.

Mr. Fauber, Chair, called the meeting to order at 9:00 a.m.

#### Call to Order

Mr. Fauber advised the Section of the emergency evacuation procedures.

#### Emergency Evacuation Procedures

Mr. Boyd moved to approve the agenda. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Fauber and LeMay.

#### Approval of Agenda

There were no public comments.

#### Public Comment Period

Regarding **File Number 2009-01548, Dennis Troy Mitchell**, the section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. LeMay recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-750 (Count 1); 18VAC10-20-740.B (Count 2) and 18VAC10-20-740.C (Count 3). Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

#### File Number 2009- 01548, Dennis Troy Mitchell

Ms. Perkins informed the section that Mr. Mitchell had no prior violations. Mr. LeMay moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$2,500 for the violation contained in Count 1; \$2,500 for the violation contained in Count 2; and 3 years license suspension for the violation contained in Count 3. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

As the presiding Board member, Mr. Fauber was not present during the presentation, discussion or vote.

Regarding **File Number 2009-01550, Dennis Troy Mitchell**, the section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. LeMay recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-750 (Count 1); 18VAC10-20-740.B (Count 2) and 18VAC10-20-740.C (Count 3). Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

**File Number 2009-01550, Dennis Troy Mitchell**

Ms. Perkins informed the section that Mr. Mitchell had no prior violations. Mr. LeMay moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$2,500 for the violation contained in Count 1; \$2,500 for the violation contained in Count 2; and 3 years license suspension for the violation contained in Count 3. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

As the presiding Board member, Mr. Fauber was not present during the presentation, discussion or vote.

Mr. Brian Buniva, Counsel for Mr. Mitchell arrived at 9:20 a.m. Mr. Buniva apologized for arriving late and requested that he be allowed to address the Section members. Mr. LeMay moved to reconsider File Number 2009-01548 and File Number 2009-01550. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

**Arrival of Mr. Brian Buniva, Counsel for Mr. Mitchell**

Mr. Buniva gave a brief review of the case and his client's background. Mr. Buniva respectfully requested that the Section members reconsider the violations and sanctions imposed in Mr. Mitchell's cases.

After reconsidering File Number 2009-01548, Mr. LeMay recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-750 (Count 1); 18VAC10-20-740.B (Count 2) and 18VAC10-20-740.C (Count 3). Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

**Reconsideration of File Number 2009-01548, Dennis Troy Mitchell**

Ms. Perkins informed the section that Mr. Mitchell had no prior violations. Mr. LeMay moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$2,500 for the violation contained in Count 1; \$2,500 for the violation contained in Count 2; and 3 years license suspension for the violation contained in Count 3. Mr. Boyd seconded the motion which was

unanimously approved by members: Boyd and LeMay.

As the presiding Board member, Mr. Fauber was not present during the presentation, discussion or vote.

After reconsidering File Number 2009-01550, Mr. LeMay recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-750 (Count 1); 18VAC10-20-740.B (Count 2) and 18VAC10-20-740.C (Count 3). Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

**Reconsideration of  
File Number 2009-  
01550, Dennis  
Troy Mitchell**

Ms. Perkins informed the section that Mr. Mitchell had no prior violations. Mr. LeMay moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$2,500 for the violation contained in Count 1; \$2,500 for the violation contained in Count 2; and 3 years license suspension for the violation contained in Count 3. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

As the presiding Board member, Mr. Fauber was not present during the presentation, discussion or vote.

Ms. Nosbisch reported that, as requested at the July 28 Section meeting, a letter had been sent to the IDP Coordinators of Virginia architecture schools, expressing the Section's stand of intolerance in the ARE exam content disclosure incidents. Ms. Nosbisch provided a copy of the letter that had been mailed. Mr. Fauber gave a brief background on the IDP program. Mr. Boyd stated that NCARB is now requiring NAAB accredited schools to have an IDP Coordinator.

**IDP Coordinator  
Outreach**

Ms. Nosbisch informed the Section members that Prometric had issues recently with returning ARE scores in a timely manner, but that it had not impacted Virginia candidates as much as it seemed to be affecting candidates in other states.

**NCARB**

Ms. Nosbisch informed the Section that the NCARB Board of Directors approved changes to the education standards effective January 1, 2010. This would increase general education requirements from 40 to 45 semester credit hours to make it consistent with the current requirements for professional degree programs.

Mr. Courtney reiterated the Board member roles and responsibilities covered at the APELSCIDLA meeting September 15, 2009. Board members should refer contacts to Ms. Nosbisch and are not to discuss Board business outside of the meetings.

**Other Business**

Mr. Boyd asked Mr. Courtney if he had heard back from DGS regarding the use of the term 'architect' in their Invitation for Bid. Mr. Courtney reported

that he had not received any correspondence from them.

Mr. Boyd inquired about the possibility of an exam on Board regulations for license renewals. Mr. Courtney responded that IS would not be able to address the issue until after Phase 2 and 3 of the new licensing system had been implemented and that would be approximately 4 years.

Conflict of Interest forms were completed by all members present.

**Conflict of  
Interest Forms**

There being no further business, the meeting was adjourned at 11:07 a.m.

**Adjourn**

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J. Everette Fauber, III, Chair

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Jay W. DeBoer, Secretary